



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7003-1010-0002-6389-3579

MAR 31 2005

Daniel S. Jamroz, Registered Agent
Reliance Truck/Auto Inc.
2180 W. Yale
Englewood, CO 80110

Re: Compliance Order and Administrative
Complaint under the Clean Air Act, 42
U.S.C. §§ 7413(a) and 7413(d)

Dear Mr. Jamroz:

Enclosed are a Compliance Order ("Order") and an Administrative Complaint and Notice of Opportunity for Hearing ("Complaint"), each of which the U.S. Environmental Protection Agency ("EPA") is issuing to Reliance Truck / Auto Inc. ("Reliance").

The Order alleges that Reliance has violated the provisions of the Clean Air Act, 42 U.S.C. § 7401 *et seq.* (the "CAA"), and EPA's regulations that pertain to servicing motor vehicle air conditioners. The Order requires that Reliance comply with all requirements of Section 609 of the CAA, 42 U.S.C. § 7671h, and 40 C.F.R. part 82, subpart B. EPA is authorized to issue the Order under section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B).

In accordance with section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), the Order will not take effect until Reliance has had an opportunity to confer with EPA concerning the findings set forth in the Order. As stated in the Order, the request for such a conference must be made no later than thirty (30) calendar days from the date of Reliance's receipt of the Order. A request for a conference must follow the procedures set forth in the Order.

Like the Order, the Complaint alleges that Reliance has violated the CAA and EPA's regulations. The Complaint proposes that EPA assess an administrative civil penalty of \$33,576 for these violations. The EPA is authorized to assess administrative civil penalties under section 113(d) of the CAA, 42 U.S.C. § 7413(d).



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Reliance has the right to a hearing to contest the allegations in the Complaint and/or the proposed penalty. We have enclosed a copy of 40 C.F.R. part 22, which identifies the procedures EPA follows in penalty assessments of this type. Please note the requirements for an answer to the Complaint in 40 C.F.R. part 22.15(b).

If Reliance wishes to contest any allegation in the Complaint and/or the penalty proposed in the Complaint, Reliance must file an answer within thirty days of receipt of the enclosed Complaint with the EPA Region 8's Regional Hearing Clerk at the following address:

Regional Hearing Clerk (8RC)
U.S. EPA Region 8
999 18th St., Suite 300
Denver, CO 80202-2466

If Reliance does not file an answer by the applicable deadline, it may be held in default. A default judgment may impose the full penalty proposed in the Complaint.

EPA encourages settlement of penalty proceedings at any time prior to a formal hearing, if the settlement is consistent with the provisions and objectives of the CAA and applicable regulations. If a mutually satisfactory settlement can be reached, it will be formalized in a Consent Agreement. Upon final approval of the Consent Agreement by the EPA's Presiding Officer, Reliance would be bound by the terms of the Consent Agreement and would waive its right to a hearing on, and any judicial appeal of, the agreed-upon civil administrative penalty.

Reliance has the right to be represented by an attorney at any stage of the proceedings, including any informal settlement discussion with EPA, but this is not required.

Please note that arranging for a settlement conference does not relieve Reliance of the need to file a timely answer to the enclosed Complaint.

Please be advised that the issuance of this Order and this Complaint does not preclude the initiation of civil or criminal actions in U.S. District Court for the violations cited in the Order, for any other violations that Reliance may have committed prior to or may commit after the issuance of the enclosed Order, or for any failure to comply with the terms of the Order itself.

We also have enclosed an information sheet entitled "U.S. EPA Small Business Resources," which notifies small businesses of their right under the Small Business Regulatory Enforcement and Fairness Act (SBREFA) to comment on regulatory enforcement activities and provides information on compliance assistance. EPA's dissemination of this information sheet does not necessarily mean that we have determined that your business is a small entity as defined by SBREFA.

If you wish to discuss settlement or have any questions, the most knowledgeable persons on my staff for technical and legal issues, respectively, are Joshua Rickard, Environmental Engineer, who can be reached at (303) 312-6469, and Peggy Livingston, Enforcement Attorney, who can be reached at (303) 312-6858.

Sincerely,



Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Tina Artemis, Regional Hearing Clerk (with enclosures)
Dean Neely, CFC Program, CDPHE (with enclosures)

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2005 APR -4 AM 11:24

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:

**ADMINISTRATIVE COMPLAINT AND
NOTICE OF OPPORTUNITY FOR
HEARING**

**Reliance Truck/Auto Inc.
2180 W. Yale
Englewood, CO 80110**

Proceeding to Assess a Civil
Administrative Penalty Under
Section 113(d) of the Clean Air Act,
42 U.S.C. § 7413(d)

Respondent.

Docket No. **CAA-08-2005-0006**

The United States Environmental Protection Agency ("EPA") is issuing this Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") in response to violations of the "Stratospheric Ozone Protection" requirements of Subchapter VI of the Clean Air Act ("CAA"), 42 U.S.C. § 7671 *et seq.*, and the "Protection of Stratospheric Ozone" regulations codified in 40 C.F.R. part 82.

STATUTORY AUTHORITY

1. Section 113(d)(1)(B) of the CAA, 42 U.S.C. § 7413(d)(1)(B), authorizes the Administrator of the EPA to issue this Complaint. This authority has been duly delegated to the Assistant Regional Administrator, Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency ("EPA"), Region 8.

2. The EPA and the United States Department of Justice have determined that this matter is appropriate for an administrative penalty action.

FINDINGS

Unless otherwise noted, all Findings set forth in this Complaint have applied at all times relevant to this action.

Respondent

3. The Respondent is Reliance Truck / Auto Inc. ("Reliance").

4. The Respondent is a corporation organized under the laws of the State of Colorado.

5. The Respondent's business consists primarily of repairing and/or servicing motor vehicles for payment, at one or more facilities, including a facility located at 2180 W. Yale, Englewood, Colorado, 80110. Unless otherwise noted, any references in this complaint to the Respondent's facility shall be to the one whose address is given in the previous sentence.

6. The Respondent is a "person" as that term is defined in section 302(e) of the CAA, 42 U.S.C. § 7602(e).

Statutory/Regulatory Background

7. This case involves Subchapter VI of the CAA, 42 U.S.C. §§ 7671 through 7671q. Subchapter VI is intended to help protect stratospheric ozone.

8. Section 609(c) of the CAA, 42 U.S.C. § 7671h(c), prohibits any person who repairs or services motor vehicles for consideration (i.e., for payment) from servicing any motor vehicle air conditioner without properly using approved refrigerant recycling equipment.

9. Section 609(d) of the CAA, 42 U.S.C. § 7671h(d), requires any person who services motor vehicle air conditions for consideration to provide a certification to the EPA Administrator. The certification is to state

that such person has acquired, and is properly using, approved refrigerant recycling equipment in service on motor vehicle air conditioners involving refrigerant and that each individual authorized by such person to perform such service is properly trained and certified.

The certification was to have been filed by November 15, 1992.¹

10. As required by Section 609(a) of the CAA, 42 U.S.C. § 7617h(a), the EPA has promulgated a rule codified in 40 C.F.R. part 82, subpart B, entitled "Servicing of Motor Vehicle Air Conditioners."

11. One of the requirements of subpart B is 40 C.F.R. § 82.34(a)(1), which provides, in pertinent part:

No person repairing or servicing MVACs [motor vehicle air conditioners] for consideration . . . may perform any service involving the refrigerant for such MVAC . . . [w]ithout properly using equipment approved pursuant to [40 C.F.R.] § 82.36

12. R-134a and R-12 are each a "refrigerant" as that term is defined in CAA § 609(b)(1), 42 U.S.C. § 7671h(b)(1), and 40 C.F.R. § 82.32(f).

¹Any facility that certified as of November 15, 1992 that it serviced fewer than 100 motor vehicle air conditioners in 1991 was to have submitted the quoted certification by January 1, 1993.

13. Another requirement of subpart B is 40 C.F.R. § 82.42(a), which provides, in pertinent part:

(1) No later than January 1, 1993, any person repairing or servicing motor vehicle air conditioners for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved equipment and that each individual authorized to use the equipment is properly trained and certified

Inspections and Investigations

14. On August 2, 2004, Colorado Department of Public Health and Environment (CDPHE) inspector Dan Neely visited the Respondent's motor vehicle repair facility.

15. During this inspection, Mr. Neely discovered that the Respondent was using R-134a without equipment approved under 40 C.F.R. § 82.36.

16. On August 13, 2004, EPA inspectors Cynthia Reynolds and Joshua Rickard visited the Respondent's facility and observed R-134a for which the Respondent had no recycle recovery equipment.

17. The EPA inspectors then requested and received invoices for MVAC services that the Respondent had performed in July and August of 2003, April through June of 2004, and August of 2004.

18. The invoices that the Respondent provided indicated that on eleven occasions, the Respondent had performed MVAC repair or service work involving R-134a and that on one occasion the Respondent had performed MVAC repair or service work involving R-12.

19. The Respondent did not use recycle recovery equipment for any of the MVAC repair or service work described in any of the invoices Respondent provided.

20. A summary of the pertinent invoices, dates of service, and vehicles follows:

Date of Service	Invoice No.	Vehicle (Year, Make, Model)
6/03/2003	37685	82 Jeep, Cherokee
7/15/2003	37617	97 Hummer, H1
7/07/2003	37856	82 Ford, F-150
7/17/2003	37937	95 Dodge, Caravan
7/24/2003	379XX	93 Ford, E350
4/09/2004	38976	03 Ford, Focus
4/16/2004	39061	84 Lincoln, Towncar
5/06/2004	39133	90 Motor Ho
6/15/2004	39243	97 Chevy, S-10
5/28/2004	39259	01 Dodge, Ram
6/08/2004	39295	98 Internat, 9400
6/09/2004	39297	00 Ford, F350S

21. The Respondent has failed to certify to the EPA Administrator that it has acquired and is properly using approved equipment for repairing or servicing motor vehicle air conditioners.

22. The Respondent has failed to certify to the EPA Administrator that each individual it has authorized to use equipment for repairing or servicing motor vehicle air conditioners is properly trained and certified.

VIOLATIONS

Count I: Failure to Use Approved Equipment

23. On each of the twelve instances cited in the table set forth above, the Respondent repaired or serviced a motor vehicle air conditioning system with a refrigerant without properly using equipment approved pursuant to 40 C.F.R. § 82.36, in violation of 40 C.F.R. § 82.34(a)(1) and CAA § 609(c), 42 U.S.C. § 7671h(c).

Count II: Failure to Certify to EPA

24. The Respondent has failed to certify to the EPA Administrator that it has acquired and is properly using approved equipment for repairing or servicing motor vehicle air conditioners and that each individual the Respondent has authorized to use equipment for repairing or servicing motor vehicle air conditioners is properly trained and certified, in violation of 40 C.F.R. § 82.42(a) and CAA § 609(d), 42 U.S.C. § 7671h(d).

PROPOSED ADMINISTRATIVE PENALTY

25. Based upon the relevant facts as known to the EPA at this time, and taking into account the penalty assessment criteria listed in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), the EPA proposes that the Respondent be assessed a civil penalty of \$33,576 for the violations alleged in this Complaint.

26. The proposed civil penalty set forth in this Complaint has been determined in accordance with Section 113 of the CAA, subsections (d)(1), (d)(2) and (e), 42 U.S.C. § 7413(d)(1), (2) and (e). For violations occurring between January 31, 1997 and March 15, 2004, section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. part 19 authorize the assessment of a civil administrative penalty of up to twenty-seven thousand five-hundred dollars

(\$27,500) per day of violation of, *inter alia*, the “Stratospheric Ozone Protection” provisions of the CAA and the rules promulgated thereunder. For violations occurring after March 15, 2004, the new maximum penalty amount is thirty-two thousand five hundred dollars (\$32,500) per day of violation.

27. For purposes of determining the amount of any civil penalty to be assessed, Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), requires that EPA

... as appropriate, shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator’s full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

28. To develop the penalty proposed in this Complaint, the EPA has taken into account the particular facts and circumstances of this case with specific reference to EPA’s “Clean Air Act Stationary Source Civil Penalty Policy,” dated October 25, 1991 (“Penalty Policy”), a copy of which is enclosed with the copy of this Complaint being sent to the Respondent.² This policy provides a rational, consistent and equitable calculation methodology

²The enclosed copy omits most Appendices. Only Appendix V, the Air Civil Penalty Policy Worksheet, and Appendix IX, the policy applicable to violations of 40 C.F.R. part 82, subpart B, are included.

for applying the statutory factors enumerated above to particular cases. The proposed penalty calculations are set forth below.

A. <u>Economic Benefit Component</u> : This is the economic benefit from servicing MVACs without using approved equipment (Count I). No economic benefit was computed for the failure to certify (Count II).		\$637
B. <u>Gravity Component</u>		
1. Importance to regulatory scheme: Each violation of 40 C.F.R. § 82.34(a)(1) is of a work practice standard.		\$10,000
2. Additional \$40 for each violation of § 82.34(a)(1).		\$480
3. Failure to certify to the administrator that respondent had acquired and properly using certified recovery equipment, in violation of 40 C.F.R. § 82.42(a).		\$15,000
4. Size of violator – assuming net worth between \$100,001 and \$1,000,000		\$2,500
Total Gravity Component, before adjustments		\$27,980
Adjustments to Gravity Factors		
1. Degree of wilfulness or negligence – The Respondent had a high degree of control over its practices, the violations were foreseeable, and the requirements are widely known in the industry. Because the Respondent knew of the applicable requirements and was in fact using approved equipment for another refrigerant, EPA believes that the Respondent knew or should have known that it was also required to use approved refrigerant for air conditioners with R134a. Increase of 20%.		\$5,596
2. Degree of cooperation – The Respondent did not report its violations to EPA or CDPHE. It is not known to EPA whether the Respondent has since corrected its practices. However, the Respondent cooperated with the CDPHE investigation. No increase or decrease at this time		--
C. History of Noncompliance – EPA does not at this time have evidence of similar past violations by the Respondent.		--
<u>TOTAL PENALTY AMOUNT:</u>		\$33,576

TERMS OF PAYMENT

29. In accordance with 40 C.F.R. § 22.18, the Respondent may resolve this proceeding at any time by paying the proposed penalty in full. If such payment is made within thirty (30) calendar days after receipt of this Complaint, no answer need be filed. If the Respondent needs additional time to pay the proposed penalty, the Respondent may, within thirty (30) days of receipt of the Complaint, file a written statement with the Regional Hearing Clerk stating that the Respondent agrees to pay the penalty, and then remit the penalty amount within sixty (60) days after receipt of the Complaint. Payment of the penalty shall: (1) be made by certified or cashier's check payable to "Treasurer, United States of America;" (2) identify the case title and docket number of this action (either on the check or in a transmittal letter accompanying the check); and (3) be remitted to:

U.S. Environmental Protection Agency, Region 8
Regional Hearing Clerk
P.O. Box 360859M
Pittsburgh, Pennsylvania 15251

A copy of the check shall be sent to:

Regional Hearing Clerk (8RC), U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

30. Payment of the penalty in accordance with the procedures set forth in this Complaint shall constitute consent by the Respondent to the assessment of the proposed penalty and a waiver of the Respondent's right to a hearing in this matter.

31. Neither the assessment nor the payment of an administrative penalty pursuant to section 113(d) of the CAA, 42 U.S.C. § 7413(d), shall affect the Respondent's continuing

obligation to comply with the CAA or any other federal, state, or local laws or regulations and any compliance order issued under the CAA.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

32. As provided in section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and 40 C.F.R. § 22.15(c), the Respondent has the right to request a hearing in this matter. If the Respondent decides to request a hearing to contest any material fact upon which the Complaint is based, contend that the penalty proposed in the Complaint is inappropriate, and/or contend that the Respondent is entitled to judgment as a matter of law, the Respondent must file a written answer in accordance with 40 C.F.R. § 22.15 within thirty (30) days after service of the Complaint.

33. In accordance with 40 C.F.R. § 22.15(b), the Respondent's answer must: (1) clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with regard to which the Respondent has any knowledge (for those factual allegations for which the Respondent has no knowledge and so states, the allegation is deemed denied); (2) state the circumstances or arguments which are alleged to constitute the grounds of any defense; (3) state the facts which the Respondent disputes; (4) state the basis for opposing any proposed relief; and (5) state whether a hearing is requested. Pursuant to 40 C.F.R. § 22.15(d), failure of the Respondent to admit, deny, or explain any material factual allegation contained in the Complaint constitutes an admission of the allegation. The Respondent's answer must be filed with:

Regional Hearing Clerk (8RC)
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

A copy of the Respondent's answer and each additional document the Respondent files in this action must be served on:

Margaret J. (Peggy) Livingston
Enforcement Attorney (8ENF-L)
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

34. In accordance with 40 C.F.R. § 22.17(a), if the Respondent elects to file an answer to the Complaint but fails to do so within thirty (30) days after service of the Complaint, the Respondent may be found to be in default and ordered to pay the penalty proposed in the Complaint. Additionally, a default by the Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of the Respondent's right to contest such factual allegations.

SETTLEMENT CONFERENCE

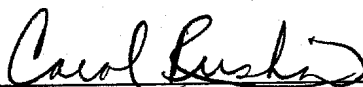
35. Regardless of whether the Respondent requests a hearing, the Respondent may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty. The Respondent may wish to be represented by counsel at the informal conference. If a settlement is reached, it will be memorialized in a written Consent Agreement, followed by the issuance of a Final Order by the Regional Judicial Officer, EPA-Region 8. To explore the possibility of settlement in this matter, please contact:

Margaret J. (Peggy) Livingston (8ENF-L)
Enforcement Attorney
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466
(303) 312-6858

Please note that a request for an informal settlement conference does not extend the thirty-day period for submission of a written answer.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8
Complainant.

Date: 03/31/2005



Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance,
and Environmental Justice
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

Enclosures:

40 C.F.R. part 22
CAA Penalty Policy

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of the foregoing ADMINISTRATIVE COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING, a copy of the Consolidated Rules of Practices Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. part 22, and a copy of EPA's October 25, 1991 "Clean Air Act Stationary Source Civil Penalty Policy" (with Appendices V and IX) to:

Reliance Truck/Auto, Inc.
2180 W. Yale Ave.
Englewood, CO 80110

Certified Return Receipt No: 7003-1010-0002-6389-3579

The original and one copy of the foregoing ADMINISTRATIVE COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING were hand-delivered to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency
999 18th Street, Suite 300 (8RC)
Denver, CO 80202-2466

Date:

April 4, 2005

Judith M. McTernan
Judith M. McTernan

develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input to the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. This rule does not impose any enforceable duties on these entities. Instead, it merely revises the procedural rules governing EPA's administrative enforcement proceedings.

F. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the E.O. 13045 because it is not "economically significant" as defined in E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the

development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 22

Environment protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: June 30, 1999.

Carol M. Browner,
Administrator.

Therefore, 40 CFR part 22 is revised to read as follows:

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.

1st Page only

1st Page only

**CLEAN AIR ACT
STATIONARY SOURCE
CIVIL PENALTY POLICY**

October 25, 1991

Section B

General Clean Air Act Stationary Source Policies and Guidance

Section B Document 19

Appendix V:

Air Civil Penalty Worksheet

**revised
03/25/87**

Section B

General Clean Air Act Stationary Source Policies and Guidance

Section B Document 19

Appendix IX:

**Penalty Policy Applicable to Persons who Perform Service for
Consideration on a Motor Vehicle Air Conditioner Involving
the Refrigerant or who Sell Small Containers of Refrigerant
in Violation of 40 C.F.R. Part 82**

**added
07/19/93**